

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TONY A. VERONEE,)	7:08CV5006
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
KRISTIN FORNANDER, Dr.,)	
CHRIS NIX, Dr., and WADE)	
FORNANDER, Dr., et.al.,)	
)	
Defendants.)	

Plaintiff filed his Complaint in this matter on July 23, 2008. ([Filing No. 1.](#)) Plaintiff has previously been given leave to proceed in forma pauperis. ([Filing No. 6.](#)) The court now conducts an initial review of the Complaint to determine whether summary dismissal is appropriate under [28 U.S.C. §§ 1915\(e\)\(2\)](#).

On March 25, 2008, Plaintiff filed a nearly-identical complaint against the same three Defendants. (Case No. 7:08CV5002, [Filing No. 1.](#)) On June 26, 2008, the court dismissed that complaint because the court lacked subject matter jurisdiction over Plaintiff's claims. (Case No. 7:08CV5002, [Filing No. 9.](#)) The allegations of the Complaint now before the court are identical to those contained in the complaint in Case No. 7:08CV5002 with minor wording changes. For example, Plaintiff has added the word "tort" to the title of the document, has added a reference to "tort law" in his jurisdictional statement, and has increased the amount of damages sought by \$200,000. ([Filing No. 1](#) at CM/ECF pp. 1-3.) The substance of the allegations has not changed and the court still lacks subject matter jurisdiction over Plaintiff's claims. For the reasons set forth in its Memorandum and Order in Case No. 7:08CV5002, [filing no. 9](#), this matter is dismissed without prejudice to reassertion in the proper forum.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Complaint ([filing no. 1](#)) is dismissed without prejudice to reassertion in the proper forum.

2. A separate Judgment will be entered in accordance with this Memorandum and Order.

October 2, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge